

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 3 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 6 is objected to because of the following informalities: it is dependent upon a cancelled claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "a short arc only" is indefinite and unclear.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lautenschlager, U.S. Patent 4,347,644 (9/7/82) in view of Wang, U.S. Patent 6,684,453 (2/3/04 – filed 6/14/02).

Lautenschlager clearly teaches a furniture hinge (10) comprising a fixing arm (112), a member (118), first and second rockers (114, 116) forming a four-bar linkage and connecting the fixing arm to the member to enable reciprocal pivoting, an elastic element (134) provided with first and second arms (see fig. 4) and hinged to a pivoting pin (126) of the first rocker at an end thereof. Lautenschlager further teaches the first arm of the elastic element exerting an elastic reaction on the fixing arm and the second arm exerting an elastic reaction on the first rocker (114). Lautenschlager further teaches the elastic element installed such that the elastic element can be compressed to produce a moment generating a pushing force in an opening direction of the door when the hinge is placed in a position defining a closing position of the door. Examiner interprets "a closing position" as any position on the "closing side" of the "over-center" hinge of Lautenschlager. Lautenschlager does not teach the elastic element mounted on a pivoting pin that connects the fixing arm to the first rocker. Wang does teach an elastic element (15) mounted on a pivot pin (132) on a first rocker (13) that connects the fixing arm to the first rocker. At the time of the invention it would have been obvious to one of ordinary skill in the art barring any unforeseen result to provide Lautenschlager with the features of Wang such that the elastic element was located on the pivot pin (115) connecting the rocker arm to the fixing arm because this would reduce the

number of parts required to manufacture the hinge, thereby reducing cost, and, furthermore, a rearrangement of parts is generally considered within the ordinary skill of one in the art barring any unforeseen result, *In re Japikse*, [Claim 1].

Regarding **Claim 4**, Wang teaches the elastic element (15) exerting the elastic reaction for a short arc only of the reciprocal pivoting defining the first part of the door opening (see Col 1, Lines 11-62).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang, U.S. Patent 6,684,453 (2/3/04 – filed 6/14/02).

Wang clearly teaches a furniture hinge (fig. 2) comprising a fixing arm (11), a member (12), first and second rockers (13, 14) forming a four-bar linkage and connecting the fixing arm to the member to enable reciprocal pivoting, an elastic element (15) provided with first and second arms (see fig. 2) and hinged to a pivoting pin (132) of the first rocker at an end thereof and that pivoting pin connecting the fixing arm to the first rocker. Wang further teaches the first arm of the elastic element exerting

an elastic reaction on the fixing arm and the second arm exerting an elastic reaction on the second rocker (14). Wang further teaches the elastic element installed such that the elastic element can be compressed to produce a moment generating a pushing force in an opening direction of the door when the hinge is placed in a position defining a closing position of the door. It is a matter of application and interpretation of Wang to define the closing position (fig. 2) and opening position (fig. 3) of the door.

Examiner's note*: the claim language "for fixing to a piece of furniture" and "for fixing to a door" is considered intended use language failing to limit the structure of the claimed invention. The prior art must only be capable of performing said functional recitations to be applicable and in the instant case the prior art of Wang is indeed capable. Note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding **Claim 4**, Wang teaches the elastic element (15) exerting the elastic reaction for a short arc only of the reciprocal pivoting defining the first part of the door opening (see Col 1, Lines 11-62).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MATTHEW SULLIVAN** whose telephone number is (571)270-5218. The examiner can normally be reached on Mon-Thurs, 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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